

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

KATHRYN L. FITZGIBBON, \*  
LAUREN M. FLEMING, and \*  
ALL SIMILARLY SITUATED CURRENT \* C. A. No. 07-735 (JJF)  
AND FORMER EMPLOYEES OF \*  
ING BANK, fsb, AND ITS WHOLLY \*  
OWNED SUBSIDIARIES, \* JURY TRIAL DEMANDED  
Plaintiffs, \*

Y.

ING BANK, fsb, (a Delaware corporation), and ALL OTHER WHOLLY OWNED SUBSIDIARIES OF ING BANK, fsb, WHICH HAVE EMPLOYED SIMILARLY SITUATED CURRENT AND FORMER EMPLOYEES SINCE November 16, 2004, Defendants.

## **RE-NOTICE OF MOTION**

TO: Darryl A. Parson, Esquire  
Drinker Biddle & Reath LLP  
1100 N. Market Street  
Wilmington, DE 19801-1254

PLEASE TAKE NOTICE, that the undersigned attorney will present the previously  
**Noticed Motion To Proceed As A Collective Action, To Facilitate Notice And To Require**  
**Defendant to Provide Information** before the Honorable Judge Joseph J. Farnan on September  
12, 2008 at 2:00 pm.

The image shows a handwritten signature of "JEFFREY K. MARTIN" in black ink, written over a typed letterhead. The letterhead reads "MARTIN & WILSON, P.A." in a bold, serif font. Below the signature, the typed information includes the names of the attorneys, their address, phone number, and their roles as "Attorneys for the Plaintiffs".

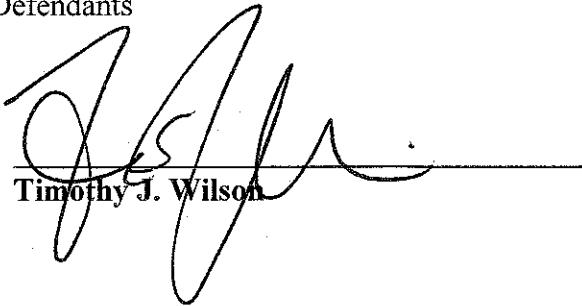
DATED: August 15, 2008

**CERTIFICATE OF SERVICE**

I, Timothy J. Wilson, hereby certify that on August 15, 2008, the foregoing *Re-Notice Of Motion of Plaintiff's Motion to Proceed as a Collective Action, To Facilitate Notice and to Require Defendant to Provide Information* was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the following counsel of record that the document is available for viewing and downloading from CM/ECF:

Darryl A. Parson, Esquire  
Drinker Biddle & Reath LLP  
1100 N. Market Street  
Wilmington, DE 19801-1254

Attorney for Defendants

  
\_\_\_\_\_  
Timothy J. Wilson